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ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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April 25, 2003

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The Honorable Tom Davis  
Chairman  
Committee on Government Reform  
U.S. House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

Yesterday, I and the other members of the Committee were notified that you were scheduling a markup for Wednesday, April 30, on the Defense Transformation for the 21<sup>st</sup> Century Act. This bill, which has not even been introduced yet, would enact sweeping civil service changes within the Department of Defense (DoD). It is wrong to rush the bill through the Committee without careful consideration.

The changes this legislation would make to the civil service system are profound. The bill would deny employees at DoD their right to congressionally passed pay increases and locality pay increases. Locality pay alone averages over 12% in the Washington, D.C., area. The bill would deny federal employees at DoD their existing collective bargaining rights. It also would strip them of their existing rights to appeal adverse actions.

The number of employees affected by the bill is enormous. The bill would change personnel laws affecting 670,000 DoD civilian employees — one-third of the total federal non-postal civilian workforce. The precedent for some of the provisions is last year's homeland security bill. But the personnel provisions of that bill have yet to be implemented. Moreover, the workforce affected at DoD is four times the size of the workforce at the Department of Homeland Security. Whatever we do at DoD will have major implications for the entire federal workforce and will complicate our efforts to enact reforms of other federal agencies.

To change a civil service system that took a century to create, Congress should act in a careful and deliberative manner. Unfortunately, we are not being given this opportunity. This Committee should not be considering a bill of this magnitude on such an expedited basis. Even DoD has not argued that this bill needs to be considered so quickly.

The only hearing that will occur on this bill prior to markup will be a hearing the previous day (April 29) by the Civil Service Subcommittee. It is clear to me that additional hearings are necessary, as well as consultations with outside experts and affected groups, in

The Honorable Tom Davis  
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particular, DoD employees. To date, DoD has not even formally consulted with employee groups about the bill.

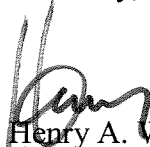
The DoD bill is part of a recent effort by many federal agencies to opt out of the current federal civil service provisions in Title 5. The starting point of many agencies' requests — including DoD's request — is the authorities granted to the Department of Homeland Security last fall. Before we grant these requests, we need to evaluate how well the Homeland Security Department implements its flexibilities, whether they are working, and what problems have arisen. Moreover, the DoD proposal contains numerous provisions which have no precedent in the homeland security legislation.

Another fundamental issue that we need time to address in a careful and thoughtful manner is the absence of accountability and transparency at federal agencies, including DoD. Before additional agencies are given the option to craft their own hiring and pay systems, we need to be confident that the agencies have accountability systems in place to ensure that the new flexibilities would be used in a fair, nonpartisan, and nondiscriminatory manner. To grant an agency a set of flexibilities without establishing a mechanism to monitor and evaluate their use is an invitation to return to the patronage system of the past.

I understand that the schedule you have proposed is not one that you regard as ideal. You have indicated that if we don't act next week, the Armed Services Committee will take up this legislation the following week without our input. While I appreciate — and support — your interest in asserting our Committee's jurisdiction, I urge you to slow down this runaway legislative train.

Our Committee is the committee with jurisdiction over civil service issues. Many of our Committee Members have an intense interest in this legislation, and it would affect thousands of families in their districts. If we need more time to consider legislation of this magnitude — which we clearly do — the Republican leadership should recognize this fact and establish a more reasonable schedule.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Henry A. Waxman', is written over the printed name.

Henry A. Waxman  
Ranking Minority Member

cc: Members of the Committee on Government Reform